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U.S. DISTRICT COURT E.D.N.Y.

★ AUG 16 2005 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ROBERT BINYARD,

Plaintiff,

-against-

THE LEAKE AND WATTS CHILDREN  
SERVICES,

Defendant.  
-----X

JUDGMENT  
05-CV- 3254 (JG)

A Memorandum and Order of Honorable John Gleeson, United States District Judge, having been filed on August 8, 2005, dismissing the action for lack of subject matter jurisdiction; directing plaintiff to show cause, by written affirmation, within thirty (30) days from the date of this Order why the Court should not bar the acceptance of any future *in forma pauperis* complaints for filing without leave of the Court; ordering that if plaintiff fails to show cause within the time allotted, he shall be barred from filing any future *in forma pauperis* complaints in this Court without prior leave of the Court; and certifying pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith; and denying *in forma pauperis* status for the purpose of any appeal; it is

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ORDERED and ADJUDGED that plaintiff take nothing of the defendant; that the action is dismissed for lack of subject matter jurisdiction; that plaintiff is directed to show cause, by written affirmation, within thirty (30) days from the date of this Order why the Court should not bar the acceptance of any future *in forma pauperis* complaints for filing without leave of the Court; that if plaintiff fails to show cause within the time allotted, he shall be barred from filing any future *in forma pauperis* complaints in this Court without prior leave of the Court; that pursuant to 28 U.S.C. § 1915(a)(3) any appeal would not be taken in good faith; and that *in forma pauperis* status is denied for the purpose of any appeal.

Dated: Brooklyn, New York  
August 11, 2005

s/Robert C. Heinemann  
ROBERT C. HEINEMANN  
Clerk of Court